

¹ Under Rule 4 of the Rules Governing § 2255 Proceedings, the court may summarily dismiss a § 2255 motion where “it plainly appears from the face of the motion and any annexed exhibits and the prior proceedings in the case” that the defendant is not entitled to relief.

records indicate that Davis previously filed a § 2255 motion concerning this same conviction and sentence. *See Davis v. United States*, Case No. 7:00CV00560, 2001 WL 34872571 (W.D. Va. 2001) (Turk, J.) (unpublished). Because Davis offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss Davis's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: August 5, 2013

/s/ James P. Jones
United States District Judge